

PERMIT

Permittee: The Tradition Golf Club at Wallingford LLC
37 Harrison Road, Wallingford, CT 06492

Attn: Bernadette Bennett

Permit No: DIV-201509812 (**Renewal of DIV-200301427**)

Town: Wallingford

Project: Consumptive Use Golf Course Irrigation

Waters: Allen Brook

Pursuant to Connecticut General Statutes Section 22a-368, the Commissioner of Energy and Environmental Protection ("Commissioner") hereby grants a permit to The Tradition Golf Club at Wallingford LLC ("the Permittee") to conduct regulated activities associated with the irrigation of an 18-hole golf course.

AUTHORIZED ACTIVITY

Specifically, the permittee is authorized to: withdraw a total combined maximum daily amount of 300,000 gallons of water per day from the "Main Irrigation Pond" and the "Woodhouse Irrigation Pond" for the purpose of golf course irrigation.

The activities proposed will impact Allen Brook.

All activities shall be conducted in accordance with plans entitled: "*Tradition Golf Club at Wallingford / Wallingford, Connecticut / Diversion Permit Application / Diversion Permit DIV-200301427 / Site Plan*" prepared by GeoInsight, dated 12/10/15, submitted as a part of the application.

This authorization constitutes the licenses and approvals required by Section 22a-368 of the Connecticut General Statutes.

This authorization is subject to and does not derogate any present or future property rights or other rights or powers of the State of Connecticut, conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state, or local laws or regulations pertinent to the property or activity affected thereby.

The permittee's failure to comply with the terms and conditions of this permit shall subject the permittee, including the permittee's agents or contractor(s) to enforcement actions and penalties as provided by law.

This authorization is subject to the following conditions:

CONDITIONS:

- 1. Expiration.** This permit shall expire on [25 years].
- 2. Construction Commencement and Completion.** If construction of any structures or facilities authorized herein is not completed within three years of issuance of this permit or within such other time as may be provided by this permit, or if any activity authorized herein is not commenced within three years of issuance of this permit or within such other time as may be provided by this permit, this permit shall expire three years after issuance or at the end of such time as may be authorized by the Commissioner.
- 3. Notification of Project Initiation.** The permittee shall notify the Commissioner in writing two weeks prior to: (A) commencing construction or modification of structures or facilities authorized herein; and (B) initiating the diversion authorized herein.
- 4. De minimis Alteration.** The permittee may not make any alterations, except de minimis alterations, to any structure, facility, or activity authorized by this permit unless the permittee applies for and receives a modification of this permit in accordance with the provisions of section 22a-377(c)-2 of the Regulations of Connecticut State Agencies. Except as authorized by subdivision (5) of section 22a-377(b)-1(a) of the Regulations of Connecticut State Agencies, the permittee may not make any de minimis alterations to any structure, facility, or activity authorized by this permit without written permission from the Commissioner. A de minimis alteration means an alteration which does not significantly increase the quantity of water diverted or significantly change the capacity to divert water.
- 5. Maintenance of Structures.** All structures, facilities, or activities constructed, maintained, or conducted pursuant hereto shall be consistent with the terms and conditions of this permit, and any structure, facility or activity not specifically authorized by this permit, or exempted pursuant to section 22a-377 of the General Statutes or section 22a-377(b)-1 of the Regulations of Connecticut State Agencies, or otherwise exempt pursuant to other General Statutes, shall constitute a violation hereof which may result in modification, revocation or suspension of this permit or in the institution of other legal proceedings to enforce its terms and conditions.

Unless the permittee maintains in optimal condition any structures or facilities authorized by this permit, the permittee shall remove such structures and facilities and restore the affected waters to their condition prior to construction of such structures or facilities.

6. **Accuracy of Documentation.** In issuing this permit, the Commissioner has relied on information provided by the permittee. If such information was false, incomplete, or misleading, this permit may be modified, suspended or revoked and the permittee may be subject to any other remedies or penalties provided by law.
7. **Best Management Practices & Notification of Adverse Impact.** In constructing or maintaining any structure or facility or conducting any activity authorized herein, or in removing any such structure or facility under condition 5 hereof, the permittee shall employ best management practices to control storm water discharges, to prevent erosion and sedimentation, and to otherwise prevent pollution of wetlands and other waters of the State. Best Management Practices include, but are not limited, to practices identified in the *Connecticut Guidelines for Soil Erosion and Sediment Control* as revised, 2004 *Connecticut Stormwater Quality Manual*, Department of Transportation's *ConnDOT Drainage Manual* as revised, and the Department of Transportation Standard Specifications as revised.

The permittee shall immediately inform the Commissioner of any adverse impact or hazard to the environment which occurs or is likely to occur as the direct result of the construction, maintenance, or conduct of structures, facilities, or activities authorized herein.

8. **Reporting of Violations.** The permittee shall, no later than 48 hours after the permittee learns of a violation of this permit, report same in writing to the Commissioner. Such report shall contain the following information:
 - a. the provision(s) of this permit that has been violated;
 - b. the date and time the violation(s) was first observed and by whom;
 - c. the cause of the violation(s), if known
 - d. if the violation(s) has ceased, the duration of the violation(s) and the exact date(s) and times(s) it was corrected;
 - e. if the violation(s) has not ceased, the anticipated date when it will be corrected;
 - f. steps taken and steps planned to prevent a reoccurrence of the violation(s) and the date(s) such steps were implemented or will be implemented;
 - g. the signatures of the permittee and of the individual(s) responsible for actually preparing such report, each of whom shall certify said report in accordance with condition 12 of this permit.
9. **Material Storage in the Floodplain.** The storage of any materials at the site which are buoyant, hazardous, flammable, explosive, soluble, expansive, radioactive, or which

could in the event of a flood be injurious to human, animal or plant life, below the elevation of the five-hundred (500) year flood is prohibited. Any other material or equipment stored at the site below said elevation by the permittee or the permittee's contractor must be firmly anchored, restrained or enclosed to prevent flotation. The quantity of fuel stored below such elevation for equipment used at the site shall not exceed the quantity of fuel that is expected to be used by such equipment in one day.

10. **Permit Transfer.** This permit is not transferable without the prior written consent of the Commissioner.
11. **Contractor Notification.** The permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The permittee's contractor(s) shall conduct all operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.
12. **Certification of Documents.** Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the permittee or a responsible corporate officer of the permittee, a general partner of the permittee, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

“I have personally examined and am familiar with the information submitted in this document and all attachments thereto and I certify that based on reasonable investigation, including my inquiry of the individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that a false statement in the submitted information may be punishable as a criminal offense in accordance with Section 22a-6 of the General Statutes, pursuant to Section 53a-157b and in accordance with any other applicable statute.”
13. **Submission of Documents.** Any document or notice required to be submitted to the Commissioner under this permit shall, unless otherwise specified in writing by the Commissioner, be directed to:

Director, Inland Water Resources Division
Department of Energy and Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice

by the Commissioner under this permit, including but not limited to notice of approval or disapproval on any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" means any calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

- 14. Rights.** This permit is subject to and does not derogate any rights or powers of the State of Connecticut, conveys no property rights or exclusive privileges, and is subject to all public and private rights and to all applicable federal, state, and local law. In constructing or maintaining any structure or facility or conducting any activity authorized herein, the permittee may not cause pollution, impairment, or destruction of the air, water, or other natural resources of this State. The issuance of this permit shall not create any presumption that this permit should be renewed.
- 15. Metering of Withdrawals.** The permittee shall maintain the totalizing flow meters at both the Main Irrigation Pond and the Woodhouse Pond to measure the total amount of water withdrawn for which withdrawals are authorized herein, and shall for the duration of this authorization continuously operate and maintain such meters in good working order. In the event of meter malfunction or breakage, the permittee shall repair or replace such meter within 72 hours.
- 16. Daily Withdrawal Record.** The permittee shall maintain a daily record of the meter readings indicating the total volume of water in gallons withdrawn from the Main Irrigation Pond and the Woodhouse Irrigation Pond that day. The daily record shall also record the hours of operation, the time of meter readings, and denote and explain any instances in which the diversion of water exceeded the authorized withdrawal limitations specified in this permit. A copy of the daily record of withdrawals shall be included in the Annual Report to the Commissioner required by Special Condition #27 of this permit.
- 17. Meter Calibration and Reporting.** The permittee shall biennially beginning in 2016 test and calibrate each source meter to within two percent accuracy as shown through a post-calibration test. The permittee shall maintain a record of the accuracy and calibration test(s) along with supporting documentation and certifications. The permittee shall make a copy of said records available to the Commissioner or the Commissioner's designee immediately upon request.
- 18. Stream Gaging, Monitoring and Reporting.** The permittee shall maintain the staff gage in Allen Brook upstream of its confluence with Wharton Brook and downstream of the Wharton Brook State Park Pond emergency spillway for the purpose of monitoring stream flow. Stream gaging, calibration of the gages, and stream flow measurements shall conform to the procedures described in the US Geological Survey Techniques of

Water Resources Investigation, Book 3, Chapter A8, Thomas J. Buchanan and William P. Somers, 1969 (“USGS standards”). The permittee shall maintain the gage for the duration of this permit, including re-calibration and development of a new rating curve as field conditions warrant. The permittee shall maintain a daily record of the staff gage reading and stream flow as determined from the established rating curve. A copy of this record shall be included in the Annual Report to the Commissioner required by Special Condition #27 of this permit.

- 19. Allen Brook Flow Maintenance – Main Irrigation Pond.** The permittee shall cease diverting flow from Allen Brook into the Main Irrigation Pond for the remainder of the day and the next calendar day, when the flow of Allen Brook, as measured daily at 9:00 am at the permanent gaging station referenced in Special Condition #4, is at or below 3.3 cubic feet per second (cfs) during the month of April, or at or below 2.12 cfs during the month of May, or at or below 1.00 cfs during the month of June, or at or below 0.43 cfs during the month of July, or at or below 0.30 cfs during the month of August, or at or below 0.29 cfs during the month of September, or at or below 0.56 cfs during the month of October. The permittee shall maintain a record of the date and time that the diversion from Allen Brook into the Main Irrigation Pond was shut down. A copy of the record of diversion shutdown shall be included in the Annual Report to the Commissioner as required by Special Condition #27 of this permit.
- 20. Allen Brook Flow Maintenance – Woodhouse Irrigation Pond.** When the flow of Allen Brook, as measured daily at 9:00 am at the permanent gaging station referenced in Special Condition #6, is at or below 3.3 cubic feet per second (cfs) during the month of April, or at or below 2.12 cfs during the month of May, or at or below 1.00 cfs during the month of June, or at or below 0.43 cfs during the month of July, or at or below 0.30 cfs during the month of August, or at or below 0.29 cfs during the month of September, or at or below 0.56 cfs during the month of October, the permittee shall limit withdrawals from the Woodhouse Irrigation Pond for the remainder of that day and the next calendar day to that volume of water equal to the volume of any potable water added to Woodhouse Irrigation Pond during the previous night.
- 21. Drought Response Plan.** Upon notification by the Commissioner of a particular drought stage as described in “Connecticut Drought Preparedness and Response Plan” (August 4, 2003), the permittee shall limit the authorized total combine maximum withdrawal from the irrigation ponds as follows:

 - a. Drought Advisory: 0.270 mgd (10% reduction)
 - b. Drought Watch: 0.255 mgd (15% reduction)
 - c. Drought Warning 0.240 mgd (20% reduction)
 - d. Drought Emergency: 0.225 mgd (25% reduction)

Furthermore, during a declared “Drought Emergency” stage, the permittee shall comply fully with the “Connecticut Drought Preparedness and Response Plan” (August 4, 2003) as may be amended or modified.

22. **Chemigation.** The permittee is prohibited from using the irrigation system for the purpose of chemigation without the appropriate discharge permit and pesticide application permit from the Commissioner.
23. **Waterfowl Management.** The permittee shall continue to implement a nuisance waterfowl management plan, with the goal of limiting access of nuisance waterfowl to all ponds located at the site in order to prevent the deposition of waterfowl fecal matter into or around the ponds. The permittee shall include a copy of the waterfowl management plan in their first Annual Report to the Commissioner as required by Special Condition #27 of this permit and shall include plan compliance reports as part of all subsequent annual reports.
24. **Seasonal Irrigation Restrictions.** Irrigation withdrawals authorized under this permit are restricted to the period April 1 through October 31 inclusive.
25. **Other Restrictions.** The DEEP shall have the right to restrict the diversion authorized in this permit at any time the Commissioner in his judgment determines: a) a declared local, regional or state-wide drought advisory, watch, warning or emergency necessitates restriction or reduction of non-essential water uses, or b) the continuation of the diversion would have an adverse effect on water quality, fisheries resources, aquatic habitat or public health.
26. **Record Keeping Requirements.** Except as provided below, or as otherwise specified in writing by the commissioner, all information required under this permit shall be retained at the subject site, or be readily available on request. The permittee shall maintain a copy of this permit on site at all times. The permittee shall retain copies of all records and reports required by this permit; and records of all data used to compile these reports for a period of at least three years after the expiration date of this permit.
27. **Annual Reporting.** The permittee shall submit by January 15 of each year, for the duration of this authorization, an Annual Report for the preceding calendar year. The Annual Report shall be certified in accordance with General Condition #11 of this permit and shall contain the following:
 - a. A copy of the record of daily withdrawals and hours operated as required by Special Condition #16 of this permit,

- b. A copy of the stream gage record and stream flow as required by Special Condition #18 of this permit,
- c. Records of Allen Brook diversion shutdown dates and times as required by Special Condition #19,
- e. A copy of the Waterfowl Management Plan or plan compliance reports as required by Special Condition #23, and
- f. Denotation and explanation of any instances of violation of the authorized withdrawal limitation(s) or any other condition of this authorization.

Issued by the Commissioner of Energy and Environmental Protection on:

Date

Michael Sullivan
Deputy Commissioner